

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

FEB 14 2018

PER SP
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IRVING MURRAY,

Plaintiff

v.

JOHN E. WETZEL, ET AL.,

Defendants

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CIVIL NO. 3:CV-17-491

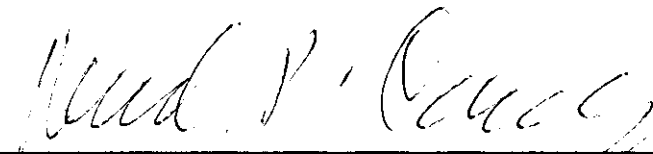
(Judge Conaboy)

ORDER

AND NOW THEREFORE THIS (9)th DAY OF FEBRUARY, 2018, in
accordance with the accompanying Memorandum, IT IS HEREBY
ORDERED:

1. Corrections Defendants' motion to dismiss (Doc. 52) is **PARTIALLY GRANTED**.
2. Dismissal is **GRANTED** in favor of Defendants Wetzels, Debalso, Mason, Silva, Varner, and Hinman on the basis of lack of personal involvement.
3. Dismissal is **GRANTED** in favor of Defendant Damore and with respect to all claims of verbal harassment.

4. The request for dismissal with respect to the claim for damages under the Pennsylvania Constitution is **GRANTED**. However, the related claims for injunctive and declaratory relief will proceed.
5. The request for dismissal of the deliberate indifference claims against Defendants Houser Steinhart is **DENIED**.
6. The request for dismissal of the retaliation claim against Kellner is **DENIED**.
7. The claims against Correctional Defendants Houser, Kellner, and Steinhart will proceed.



RICHARD P. CONABOY
United States District Judge